

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 RETIREMENT BOARD OF THE :
 POLICEMEN'S ANNUITY AND :
 BENEFIT FUND OF THE CITY :
 OF CHICAGO, *et al.*, :
 :
 Plaintiffs, : 11cv5459
 :
 -against- : ORDER
 :
 THE BANK OF NEW YORK MELLON, :
 :
 Defendant. :
 -----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>8/18/2014</u>

WILLIAM H. PAULEY III, District Judge:

On February 14, 2014, this Court directed Defendant to submit fifty documents, selected by Plaintiffs, from Defendant's privilege log for this Court for in camera review. Order, at 1, ECF No. 139. This Court has reviewed those fifty documents and their attachments.

After careful review, this Court concludes that the following documents are not privileged:

Tab No.	Privilege Log No.	Starting Bates	Ending Bates
15	154	BNYM_PF_PRIV_00013684	BNYM_PF_PRIV_00013685
16	160	BNYM_PF_PRIV_00013817	BNYM_PF_PRIV_00013819
17	161	BNYM_PF_PRIV_00014044	BNYM_PF_PRIV_00014045
20A	179	BNYM_PF_PRIV_00015006	BNYM_PF_PRIV_00015009
25	310	BNYM_PF_PRIV_00017545	BNYM_PF_PRIV_00017549
35	471	BNYM_PF_00169874	BNYM_PF_00169875
35A	471	BNYM_PF_00169880	BNYM_PF_00169882

Next, only certain portions of the following documents are privileged.

Accordingly, BNYM may redact the material set forth below:

Tab No.	Privilege Log No.	Starting Bates	Ending Bates
18	165	BNYM_PF_PRIV_00014055 The paragraph beginning "By way of background" and including the subparagraphs for Tab 1 and Tab 2.	BNYM_PF_PRIV_00014056
19	176	BNYM_PF_PRIV_00014080 On BNYM_PF_PRIV_00014082, the fifth full paragraph beginning with the words "On the H-BNY book."	BNYM_PF_PRIV_00014082
19A	176	BNYM_PF_PRIV_00014083 In cell C1 on pages BNYM_PF_PRIV_00014084 to BNYM_PF_PRIV_00014106, the last sentence in the parenthetical should be redacted.	BNYM_PF_PRIV_00014382
19B	176	BNYM_PF_PRIV_00014383 In cell C1 on page BNYM_PF_PRIV_00014383, the last sentence in the parenthetical should be redacted.	BNYM_PF_PRIV_00014540
19C	176	BNYM_PF_PRIV_00014541 In cell C1 on page BNYM_PF_PRIV_00014541, the last sentence in the parenthetical should be redacted.	BNYM_PF_PRIV_00014698
19D	176	BNYM_PF_PRIV_00014699 In cell C1 on pages BNYM_PF_PRIV_00014700 to BNYM_PF_PRIV_00014732, the last sentence in the parenthetical should be redacted.	BNYM_PF_PRIV_00014998

Finally, certain redacted portions of otherwise non-privileged documents are themselves not privileged. They are as follows:

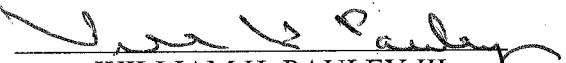
Tab No.	Privilege Log No.	Starting Bates	Ending Bates
10	107	BNYM_PF_00200871 The subject line of the three emails at BNYM_PF_00200871 and the subject line of the top email at BNYM_PF_00200872.	BNYM_PF_00200875
48	874	BNYM_PF_00199176 The subject line of the top email and the first sentence of the second email beginning after "Hi Melissa" at BNYM_PF_00199176.	BNYM_PF_00199180
42	663	BNYM_PF_00185926 The second redacted sentence.	BNYM_PF_00185926

All remaining documents were appropriately withheld or redacted.

Defendant is directed to produce these unredacted materials in accord with this Order by August 28, 2014. This Court will hold a status conference on September 3, 2014 at 12:00 p.m. to discuss whether additional in camera review of documents is necessary and whether discovery should be reopened.

Dated: August 18, 2014
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

All Counsel of Record